

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

STEVEN D. LISLE JR.,)
vs.)
Plaintiff,)
DUNBAR,)
KENTE BROOKMAN,)
J. DIERCKS,)
SGT. HARRIS,)
MAJOR DUN,)
LASHBROOK,)
SGT. MURRAY,)
LUITENET BEST,)
C/O LAMINAK,)
LEITENET EOVAIDI,)
MISTY THOMPSON, and,)
JOHN/JANE DOE C/O'S,)
Defendants.)
)
) Case No. 16-cv-0421-MJR-SCW
)

**MEMORANDUM AND ORDER
ADOPTING REPORT & RECOMMENDATION**

REAGAN, Chief Judge:

On June 12, 2017, the parties appeared before the Honorable Stephen C. Williams, United States Magistrate Judge, for a hearing on Defendants' Motion for Summary Judgment on the Issue of Exhaustion of Administrative Remedies (Doc. 27). Prior to the hearing, Magistrate Judge Williams directed Defendants to produce grievance records pertaining to dates on which the Plaintiff alleged he had filed various grievances (Dkt. txt. 34). At the hearing, Plaintiff ultimately conceded that he had only exhausted his administrative remedies as to his January 6, 2015 grievance. Following the hearing, Magistrate Judge Williams prepared a Report and

Recommendation (Doc. 50). Judge Williams recommends that the undersigned District Judge grant in part the Defendants' Motion and deny in part the Motion (Doc. 50). Essentially, Magistrate Judge Williams recommends that the Motion for Summary Judgment be denied as to the grievance that Plaintiff exhausted—which encompasses Count 2 of his original complaint (*Id.* at 11-14). By contrast, he recommends granting the motion as to all the other counts of the original complaint because Plaintiff, by his own admission, failed to exhaust administrative remedies as to the claims raised in Counts 1, 4, 5, 6, 7, and 8 (Doc. 50 at 10-14).¹ Upon issuance of the Report and Recommendation, Magistrate Judge Williams informed the parties that they had 14 days to object to his recommendations. (*Id.* at 13). The 14-day deadline—July 31, 2017—came and went without any objections being filed.

Accordingly, the Court **ADOPTS** in its entirety the Report and Recommendation (Doc. 50). The Court finds that Magistrate Judge Williams's recommendations are sound, particularly in light of the Plaintiff's own admissions at the exhaustion hearing regarding his use of administrative remedies. Counts 1, 4, 5, 6, 7, and 8 are hereby **DISMISSED** with prejudice for failure to exhaust administrative remedies regarding the contents of those claims. Count 2 is the sole count that shall proceed.

IT IS SO ORDERED.

DATED: August 23, 2017

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge

¹ Counts 3 and 9 were previously dismissed.